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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Gerberding
Application No.:	10/026413
Filed:	December 21, 2001
For:	STENT GEOMETRY FOR IMPROVED FLEXIBILITY
Examiner:	Jessica R. Baxter
Group Art Unit:	3731
Firm Docket No.:	S63.2B-10234-US01

DATE: October 27, 2005TIME: 1:34 p.m.FACSIMILE NO.: 571-273-8300TOTAL NUMBER OF PAGES (including transmittal letter): 4

FACSIMILE TRANSMITTAL LETTER

Following please find a(n) 2 page Office communication from the USPTO; page 7 of the response that the USPTO received only part of on August 2, 2005; and 1 page Facsimile Transmittal Letter.

With respect to fees:

- No additional fee is believed to be required
- Charge any fee deficiency to our Deposit Account No. 22-0350

Conditional Petition

If any extension of time for the accompanying response is required or if a petition for any other matter is required, applicant requests that this be considered a petition therefore.

If any additional fees associated with this communication are required and have not otherwise been paid, please charge the additional fees to Deposit Account No. 22-0350. Please credit overpayment associated with this communication to the Deposit Account No. 22-0350.

Respectfully submitted,
VIDAS, ARRETT & STEINKRAUS

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Signature: Heidi J. Steiner

Heidi J. Steiner

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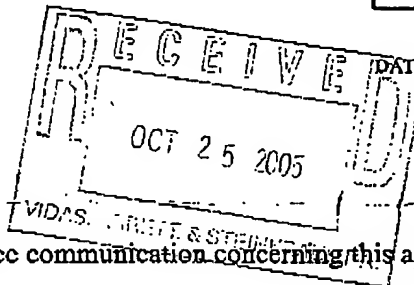


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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,413	12/21/2001	Brent C. Gerberding	S63.2-10234 -USO1	2504
490	7590	10/19/2005		
VIDAS, ARRETT & STEINKRAUS, P.A. 6109 BLUE CIRCLE DRIVE SUITE 2000 MINNETONKA, MN 55343-9185				
			EXAMINER BAXTER, JESSICA R	
			ART UNIT 3733	PAPER NUMBER



DATE MAILED: 10/19/2005

Docketed
 11/19/05

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10/026,413

EXAMINER

ART UNIT PAPER

10172005

DATE MAILED:

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Commissioner for Patents

1. The reply filed on 02 August 2005 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): only part of page 7 of the response was received by the office. It appears that the fax transmission was not completed. See 37 CFR 1.111. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica R. Baxter whose telephone number is 571-272-4691. The examiner can normally be reached on M-F 8:30AM - 5:00PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eduardo Robert can be reached on 571-272-4719. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jessica R Baxter
Examiner
Art Unit 3733

jrb

EDUARDO C. ROBERT
PRIMARY EXAMINER

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Application No. 10/026413
Page 7

Amendment
Attorney Docket No. S63.2B-10234-US01

Remarks

This Amendment is in response to the Office Action dated March 2, 2005. In the Office Action, claims 2, 5, 6, and 15-18 were objected to. Claims 1, 3, 4, 9-14, 19, 20, and 24 were rejected under 35 USC 102(b) as being anticipated by US Patent 5,935,162 to Dang. Claims 21-23 were rejected under 35 USC 103(a) as being unpatentable over Dang in view of US Patent 5,725,548 to Jayarman et al. Claims 1, 2, 3, 12, 15, 16, and 24 have been amended. No new matter has been added. The objections and rejections will be addressed below under headings consistent with the Office Action.

Claim Rejections – 35 USC §102

In the Office Action claims 1, 3, 4, 9-14, 19, 20, and 24 were rejected under 35 USC 102(b) as being anticipated by US Patent 5,935,162 to Dang.

Independent claim 1 has been amended and is directed to an unexpanded stent characterized by a longitudinal axis. The stent comprises a plurality of serpentine bands which extend about the circumference of the stent. Each serpentine band comprises a plurality of substantially straight struts. Each strut has a first end and a second end. Each two adjacent struts are connected one to the other at a first end or a second but not both. Adjacent struts which are connected at their first ends are joined by a trough portion. Adjacent struts which are connected at their second ends are joined by a peak portion. Each serpentine band includes adjacent struts joined by a peak portion which together define an opening which extends parallel to the longitudinal axis of the stent. Each serpentine band also includes adjacent struts joined by a peak portion which together define an opening which includes a section which is parallel to the longitudinal axis of the stent and another section which is skewed relative to the longitudinal axis of the stent.

This combination of features is not disclosed in Dang. The struts of a given serpentine band of Dang in combination with the peaks do not define a space which includes a parallel portion and a skewed portion.

Therefore, independent claim 1 and claims 3-4 and 9-11 dependent therefrom are patentable over Dang.

Independent claim 12 has been amended to recite that the peak portions of the at